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HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

EXAMINER
LIN, KENNY S

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/970,767	JAMAIL ET AL.
	Examiner	Art Unit	
	Kenny Lin	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 March 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-8 and 11-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-8 and 11-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-2, 4-8 and 11-29 are presented for examination. Claims 3, 9-10 and 30-32 are

canceled.

Specification

2.   The amendment filed 3/27/2006 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. The added material which is not

supported by the original disclosure is as follows: (i.e. intelligent real-time transmitting of

streaming content) and (i.e. dynamically store streaming content) which further define streaming

and streaming content caching respectively.

The added material is not supported by the original disclosure explicitly or inherently

since streaming is not necessary done in real-time and that caching is not necessary dynamically.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

4.   Claims 1-2, 4-8 and 11-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains,

or with which it is most nearly connected, to make and/or use the invention. Nowhere in the

specifically disclosed *simultaneously* caching streaming content. Although the specification

stated "at the same time", it is not clear where the meanings of "at the same time" refers to "at

same period of time" or "at the exact point in time". Furthermore, even if the latter meaning (i.e.

at the exact point in time) is the intended meaning by the applicant, the specification fails to

teach an enabled system to process multiple processes simultaneously (i.e. at the same point in

time). One of ordinary skill in the art would have realized that a single processor computing

system is not able to manage and process multiple processes at the exact point in time even if the

two processes may be handled in a very short time gap not noticeable by man (nanoseconds).

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

6.   Claims 1-2, 4-8 and 11-29 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

      a. The term "simultaneously" in claims 1, 11 and 22 is a relative term which renders

          the claim indefinite. The term "simultaneously" is not defined by the claim, the

          specification does not provide a standard for ascertaining the requisite degree, and

          one of ordinary skill in the art would not be reasonably apprised of the scope of

          the invention. It is known the engineering art that multiple processes cannot be

done at the exact moment in time especially in computing systems having only

one processor to manage a plurality of processes.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-2, 11-12 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Major, US 6,542,967, in view of Burns et al (Burns), US 6,324,182, and Krantz et al

(Krantz), US 6,016,535.

9.   Major and Burns were cited in the previous office action.

10.   As per claims 1 and 22, Major taught the invention substantially as claimed including a

method/system to cache and redistribute streaming digital data content to a plurality of

requesting client machines, said method comprising:

      a. Receiving a first content request, for a streaming content, from a requesting client

         machine, wherein said requesting client machine does not send information

         identifying a secondary server containing said streaming content corresponding to

         said first content request (col.5, lines 10-27);

b. Generating a second content request based on the first content request (col.5, lines 20-21);

c. Transmitting the second content request to at least one secondary server known to contain said streaming content (col.5, lines 20-27);

d. Receiving said streaming content from said at least one secondary server in response to said second content request (col.5, lines 20-24), and simultaneously caching the received streaming content locally (col.5, lines 20-24);

e. Forwarding, to the requesting client machine, the received streaming content as a content corresponding to the first content request as said streaming content is being dynamically cached; and transmitting the streaming content in response to a subsequent content request from a same or a different requesting client machine from the local cache (col.5, lines 20-24).

11.   Major did not specifically teach to intelligently re-streaming the real-time streaming content to the request client machine; and intelligently re-streaming, at a later time from the local cache, the streaming content to a same or different requesting client machine in response to a subsequent content request. Burns taught to intelligently stream the real-time streaming content such as video or audio to the client machine and to stream the streaming content at a later time from the local cache to a requesting client machine in response to a subsequent content request (col.3, lines 15-26, 65-67, col.4, lines 1-15, 39-41, col.5, lines 7-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Major and Burns because Burns' teaching of on-demand caching and pre-caching the contents

enables requesting users of Major's method to receive content using real-time intelligent

streaming (see Burns, col.4, liens 36-47).

12.   Major and Burns did not specifically teach that the caching is done using dynamically

caching method. Krantz taught to dynamically cache the received data to a local cache (abstract,

col.9, lines 56-67, col.10, lines 1-5). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the teachings of Major, Burns and Krantz

because Krantz's teaching of dynamically caching enables Major and Burns's method to

organize the cache memory into a set of maximally equally-sized, contiguous divisions for

storing received data.

13.   As per claim 11, Major taught the invention substantially as claimed including a system

usable to cache and redistribute streaming digital data content to a plurality of requesting client

machines, said system comprising a proxy server able to receive a first content request for a

streaming content from a requesting client machine, wherein said requesting client machine does

not send information identifying a secondary server containing said streaming content

corresponding to said first content request (col.5, lines 10-27), and said proxy server able to

generate and transmit a second content request to at least one secondary server known to contain

said streaming content (col.5, lines 20-21), and said proxy server able to receive the streaming

content from said at least one secondary server in response to said second content request (col.5,

lines 20-24) and simultaneously caching the received streaming content locally (col.5, lines 20-

24) and forwarding, to the requesting client machine, the received streaming content as a content

corresponding to the first content request as said streaming content is being dynamically cached;

and transmitting the streaming content in response to a subsequent content request from a same

or a different requesting client machine from the local cache (col.5, lines 20-24).

14.   Major did not specifically teach to intelligently re-streaming the real-time streaming

content to the request client machine; and intelligently re-streaming, at a later time from the local

cache, the streaming content to a same or different requesting client machine in response to a

subsequent content request. Burns taught to intelligently stream the real-time streaming content

such as video or audio to the client machine and to stream the streaming content at a later time

from the local cache to a requesting client machine in response to a subsequent content request

(col.3, lines 15-26, 65-67, col.4, lines 1-15, 39-41, col.5, lines 7-27). It would have been obvious

to one of ordinary skill in the art at the time the invention was made to combine the teachings of

Major and Burns because Burns' teaching of on-demand caching and pre-caching the contents

enables requesting users of Major's method to receive content using real-time intelligent

streaming (see Burns, col.4, liens 36-47).

15.   Major and Burns did not specifically teach that the caching is done using dynamically

caching method. Krantz taught to dynamically cache the received data to a local cache (abstract,

col.9, lines 56-67, col.10, lines 1-5). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the teachings of Major, Burns and Krantz

because Krantz's teaching of dynamically caching enables Major and Burns's method to

organize the cache memory into a set of maximally equally-sized, contiguous divisions for storing received data.

16.   As per claim 2, Major, Burns and Krantz taught the invention substantially as claimed in claim 1. Major further taught to determine, before generating the second content request, if at least part of the streaming content corresponding to the first content request is locally cached; and re-streaming the locally cached streaming content as at least a part of the content corresponding to the first content request and performing the generating, transmitting, receiving and caching steps for any un-cached part of said streaming content corresponding to said first content request as part of updating said locally cached streaming content (col.5, lines 10-27). Burns further taught to intelligently stream the real-time streaming content such as video or audio to the client machine (col.3, lines 15-26, 65-67, col.4, lines 1-15, 39-41, col.5, lines 7-27).

17.   As per claims 12 and 23, Major, Burns and Krantz taught the invention substantially as claimed in claims 11 and 22. Major further taught to comprise a storage device usable to cache said streaming content locally relative to the proxy server (col.5, lines 10-27).

18.   As per claim 24, Major, Burns and Krantz taught the invention substantially as claimed in claim 23. Major further taught to comprise means for determining whether content corresponding to the first content request is stored in the storing means, such that, when content corresponding to the first content request is stored in the storing means, the means for transmitting the received content transmits the content stored in the storage means corresponding

to the first content request to the requesting client machine as the content corresponding to the

first content request (col.5, lines 10-27).

19.   Claims 4-5, 13-15 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Major, Burns and Krantz as applied to claims 1-2, 11-12, 22-24 above, and further in view

of Doyle, US 6,678,793.

20.   Doyle was cited in the previous office action.

21.   As per claim 4, Major, Burns and Krantz taught the invention substantially as claimed in

claim 2. Burns further taught to intelligently stream the real-time streaming content such as

video or audio to the client machine (col.3, lines 15-26, 65-67, col.4, lines 1-15, 39-41, col.5,

lines 7-27). Major, Burns and Krantz did not specifically teach to determine, if the streaming

content corresponding to the first content request is locally cached, whether to update the locally

cached streaming content corresponding to the first content request; re-stream the locally cached

streaming content as the content corresponding to the first content request in place of performing

the generating, transmitting, receiving and caching steps if the locally cached streaming content

is not to be updated; and perform the generating, transmitting, receiving and caching steps if the

locally cached streaming content is to be updated. Doyle taught to comprise:

        a. Determining, if the streaming content corresponding to the first content request is

            locally cached, whether to update the locally cached streaming content

            corresponding to the first content request (col.7, lines 17-22, 32-37);

      b. Re-streaming the locally cached streaming content as the content corresponding to

the first content request in place of performing the generating, transmitting,

receiving and caching steps if the locally cached streaming content is not to be

updated (col.7, lines 38-40); and

      c. Performing the generating, transmitting, receiving and caching steps if the locally

cached streaming content is to be updated (col.7, lines 48-55, col.8, lines 15-26).

22.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Major, Burns, Krantz and Doyle because Doyle's teaching

determining whether the cached content is valid or not enables Major, Burns and Krantz's

method to retrieving the updated contents from a remote server (See Doyle, col.7, lines 32-40,

48-55, col.8, lines 15-26).

23.   As per claim 5, Major, Burns, Krantz and Doyle taught the invention substantially as

claimed in claim 4. Doyle further taught to determine whether to update the locally cached

streaming content corresponding to the first content request comprises at least one of

determining if the locally cached streaming content corresponding to the first content request is

older than an update age (col.1, lines 43-46, col.7, lines 32-34); determining if the locally cached

streaming content corresponding to the first content request includes expiration information

(col.1, lines 43-46, col.7, lines 32-34).

24.   As per claim 13, Major, Burns and Krantz taught the invention substantially as claimed in

claim 12. Burns further taught to intelligently stream the real-time streaming content such as

video or audio to the client machine (col.3, lines 15-26, 65-67, col.4, lines 1-15, 39-41, col.5,

lines 7-27). Major, Burns and Krantz did not specifically teach the proxy server to determine

whether said streaming content corresponding to the first content request is cached, partially or

fully, in the storage device, such that, if any part of said streaming content corresponding to the

first content request is cached in the storage device, the proxy server re-streams the part of the

streaming content cached in the storage device corresponding to the first content request to the

requesting client machine as at least a part of the streaming content corresponding to the first

content request. Doyle taught the proxy server to determine whether said streaming content

corresponding to the first content request is cached, partially or fully, in the storage device (col.7,

lines 17-22), such that, if any part of said streaming content corresponding to the first content

request is cached in the storage device, the proxy server re-streams the part of the streaming

content cached in the storage device corresponding to the first content request to the requesting

client machine as at least a part of the streaming content corresponding to the first content

request (col.7, lines 38-40). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of Major, Burns, Krantz and Doyle

because Doyle's teaching determining whether the cached content is valid or not enables Major,

Burns and Krantz's method to retrieving the updated contents from a remote server (See Doyle,

col.7, lines 32-40, 48-55, col.8, lines 15-26).

25.   As per claim 14, Major, Burns and Krantz taught the invention substantially as claimed in

claim 12. Major, Burns and Krantz did not specifically teach the proxy server to determine, for a

particular steaming content cached in the storage device, whether to update that particular

streaming content cached in the storage device in response to receiving a content request to

which that particular streaming content corresponds. Doyle taught the proxy server to determine,

for a particular steaming content cached in the storage device, whether to update that particular

streaming content cached in the storage device in response to receiving a content request to

which that particular streaming content corresponds (col.1, lines 43-46, col.7, lines 32-34). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the teachings of Major, Burns, Krantz and Doyle because Doyle's teaching determining

whether the cached content is valid or not enables Major, Burns and Krantz's method to

retrieving the updated contents from a remote server (See Doyle, col.7, lines 32-40, 48-55, col.8,

lines 15-26).

26.   As per claim 15, Major, Burns, Krantz and Doyle taught the invention substantially as

claimed in claim 14. Doyle further taught that when the proxy server determine to update the

streaming content, the proxy server transmits a second content request to which that particular

streaming content corresponds to at least one secondary server (col.7, lines 48-55, col.8, lines 15-

26).

27.   As per claim 25, Major, Burns and Krantz taught the invention substantially as claimed in

claim 23. Major, Burns and Krantz did not specifically teach to comprise updating means for

determining, for a particular content stored in the storing means, whether to update that particular

content stored in the storing means in response to receiving a content request to which that

particular content corresponds. Doyle taught to comprise updating means for determining, for a

particular content stored in the storing means, whether to update that particular content stored in

the storing means in response to receiving a content request to which that particular content

corresponds (col.1, lines 43-46, col.7, lines 32-34). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of Major,

Burns, Krantz and Doyle because Doyle's teaching determining whether the cached content is

valid or not enables Major, Burns and Krantz's method to retrieving the updated contents from a

remote server (See Doyle, col.7, lines 32-40, 48-55, col.8, lines 15-26).

28.　　As per claim 26, Major, Burns, Krantz and Doyle taught the invention substantially as

claimed in claim 25. Doyle further taught that when the updating means determines to update

the content, the means for generating and transmitting transmits a second content request to

which that particular content corresponds to at least one secondary server (col.7, lines 48-55,

col.8, lines 15-26).

29.　　Claims 8, 16-21 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Major, Burns and Krantz as applied to claims 1-2, 11-12 and 22-23 above, and further in

view of Shannon, US 6,233,618.

30.　　Shannon was cited in the previous office action.

31.   As per claim 8, Major, Burns and Krantz taught the invention substantially as claimed in

claim 1. Major, Burns and Krantz did not specifically teach the method to comprise

    a. Determining whether at least one secondary server is known to store at least a

        type of content that corresponds to the streaming content corresponding to the

        first content request based on a stored content map;

    b. Searching, if at least one secondary server is not known, a plurality of secondary

        servers to identify at least one secondary server that contains at least a type of

        content that corresponds to the streaming content corresponding to the first

        content request;

    c. Adding, in response to the searching step, to the stored content map the at least

        one identified secondary server located by the search; and

    d. Transmitting, based on the at least one secondary server identified in the content

        map, the second content request to that at least one secondary server in response

        to either the adding step or the at least one secondary server determining step.

32.   Shannon taught a method to restrict user access using categories to determine whether at

least one secondary server is known to store at least a type of content that corresponds to the

streaming content corresponding to the first content request based on a stored content map (col.9,

lines 18-24, 64-67, col.10, lines 1-28); searching a plurality of secondary servers to identify at

least one secondary server that contains at least a type of content that corresponds to the

streaming content corresponding to the first content request if at least one secondary server is not

known (col.10, lines 10-28); in response to the searching step, adding to the stored content map

the at least one identified secondary server located by the search (col.10, lines 21-28) and

transmitting, based on the at least one secondary server identified in the content map, the second

content request to that at least one secondary server in response to either the adding step or the at

least one secondary server determining step (col.10, lines 24-28, col.12, lines 37-45, col.13, lines

19-30, 52-67, col.14, lines 1-5, 16-25, 49-59). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to combine the teachings of Major, Burns,

Krantz and Shannon because Shannon's teaching of accessing control and database matching

enables Major, Burns, Krantz method to match the content categories in the request and

determine whether the user is permitted to access the particular server to obtain the requested

content.

33.   As per claim 16, Major, Burns and Krantz taught the invention substantially as claimed in

claim 12. Major, Burns and Krantz did not specifically teach to comprise a content map that

indicates, for at least some content requests, at least one secondary server known to store at least

a type of content that corresponds to that content request and wherein said content map indicates,

at least for some content requests, if a streaming content corresponding to a content request

needs to be updated because only a part of said streaming content is presently cached in said

storage device. Shannon taught to comprise a content map that indicates, for at least some

content requests, at least one secondary server known to store at least a type of content that

corresponds to that content request (col.9, lines 18-24, 64-67, col.10, lines 1-28; category

database), and wherein said content map indicates, at least for some content requests, if a

streaming content corresponding to a content request needs to be updated because only a part of

said streaming content is presently cached in said storage device (col.10, lines 10-28, col.12,

lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine the

teachings of Major, Burns, Krantz and Shannon because Shannon's teaching of accessing control

and database matching enables Major, Burns and Krantz's method to match the content

categories in the request and determine whether the user is permitted to access the particular

server to obtain the requested content.

34.   As per claim 17, Major, Burns, Krantz and Shannon taught the invention substantially as

claimed in claim 16. Shannon further taught that the proxy server determines the at least one

secondary server to which the second content request is transmitted based on the content map

(col.9, lines 18-24, 64-67, col.10, lines 1-28).

35.   As per claim 18, Major, Burns, Krantz and Shannon taught the invention substantially as

claimed in claim 16. Shannon taught a proxy server to determine whether the content map

indicates at least one secondary server known to store at least a type of content that corresponds

to the streaming content corresponding to the first content request, the proxy server generating a

search of a plurality of secondary servers if the content map does not indicates at least one

secondary server known to store at least a type of content that corresponds to the streaming

content corresponding to the first content request, and the proxy server updating the content map

based on results of the search (col.10, lines 10-28, col.12, lines 37-45, col.13, lines 19-30, 52-67,

col.14, lines 1-5, 16-25, 49-59).   It would have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the teachings of Major, Burns, Krantz and Shannon

because Shannon's teaching of accessing control and database matching enables Major, Burns

and Krantz's method to match the content categories in the request and determine whether the

user is permitted to access the particular server to obtain the requested content.

36.   As per claim 19, Major, Burns and Krantz taught the invention substantially as claimed in

claims 11. Major, Burns and Krantz did not specifically teach to comprise a content map that

indicates at least one secondary server known to store at least a type of content that corresponds

to a content request. Shannon taught to comprise a content map that indicates at least one

secondary server known to store at least a type of content that corresponds to a content request

(col.9, lines 18-24, 64-67, col.10, lines 1-28). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to combine the teachings of Major, Burns,

Krantz and Shannon because Shannon's teaching of accessing control and database matching

enables Major, Burns and Krantz's method to match the content categories in the request and

determine whether the user is permitted to access the particular server to obtain the requested

content.

37.   As per claims 20, Major, Burns, Krantz and Shannon taught the invention substantially as

claimed in claim 19. Shannon further taught that the proxy server determines the at least one

secondary server to which the second content request is transmitted based on the content map

(col.9, lines 18-24, 64-67, col.10, lines 1-28).

38.   As per claim 21, Major, Burns, Krantz and Shannon taught the invention substantially as

claimed in claims 19. Shannon further taught a proxy server to determine whether the content

map indicates at least one secondary server known to store at least a type of content that

corresponds to the streaming content corresponding to the first content request, the proxy server

generating a search of a plurality of secondary servers if the content map does not indicates at

least one secondary server known to store at least a type of content that corresponds to the

streaming content corresponding to the first content request, the proxy server updating the

content map based on results of the search (col.10, lines 10-28, col.12, lines 37-45, col.13, lines

19-30, 52-67, col.14, lines 1-5, 16-25, 49-59).

39.   As per claims 27, Major, Burns and Krantz taught the invention substantially as claimed

in claim 22. Major, Burns and Krantz did not specifically teach to further comprise a content

map that indicates, for at least some content requests, at least one secondary server known to

store at least a type of content that corresponds to that content request. Shannon taught to

comprise a content map that indicates at least one secondary server known to store at least a type

of content that corresponds to a content request (col.9, lines 18-24, 64-67, col.10, lines 1-28;

category database) and further use the content map to match the content request and determine

whether the requesting user is permitted to access the secondary server (col.10, lines 24-28,

col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to combine the

teachings of Major, Burns, Krantz and Shannon because Shannon's teaching of accessing control

and database matching enables Major, Burns and Krantz's system to match the content

categories in the request and determine whether the user is permitted to access the particular

server to obtain the requested content.

40.   As per claim 28, Major, Burns, Krantz and Shannon taught the invention substantially as

claimed in claim 27. Shannon further taught that the means for generating and transmitting

determines the at least one secondary server to which the second content request is transmitted

based on the content map (col.10, lines 10-28, col.12, lines 37-45, col.13, lines 19-30, 52-67,

col.14, lines 1-5, 16-25, 49-59).

41.   As per claim 29, Major, Burns, Krantz and Shannon taught the invention substantially as

claimed in claim 27. Shannon further taught that the means for generating and transmitting

determines whether the content map indicates at least one secondary server known to store at

least a type of content that corresponds to the streaming content corresponding to the first

content request, the means for generating and transmitting generating a search of a plurality of

secondary servers if the content map does not indicate at least one secondary server known to

store at least a type of content that corresponds to the streaming content corresponding to the first

content request, the means for generating and transmitting updating the content map based on

results of the search (col.10, lines 10-28, col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14,

lines 1-5, 16-25, 49-59).

42.   Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Major, Burns,

Krantz and Doyle as applied to claim 4 above, and further in view of Shannon, US 6,233,618.

43.   As per claims 6-7, Major, Burns, Krantz and Doyle taught the invention substantially as

claimed in claims 1-5. Major, Burns, Krantz and Doyle did not specifically teach the method to

comprise:

   a. Determining whether at least one secondary server is known to store at least a

       type of content that corresponds to the streaming content corresponding to the

       first content request based on a stored content map;

   b. Searching, if at least one secondary server is not known, a plurality of secondary

       servers to identify at least one secondary server that contains at least a type of

       content that corresponds to the streaming content corresponding to the first

       content request;

   c. Adding, in response to the searching step, to the stored content map the at least

       one identified secondary server located by the search; and

   d. Transmitting, based on the at least one secondary server identified in the content

       map, the second content request to that at least one secondary server in response

       to either the adding step or the at least one secondary server determining step.

44.   Shannon taught a method to restrict user access using categories to determine whether at

least one secondary server is known to store at least a type of content that corresponds to the

streaming content corresponding to the first content request based on a stored content map (col.9,

lines 18-24, 64-67, col.10, lines 1-28); searching a plurality of secondary servers to identify at

least one secondary server that contains at least a type of content that corresponds to the

streaming content corresponding to the first content request if at least one secondary server is not

known (col.10, lines 10-28); in response to the searching step, adding to the stored content map

the at least one identified secondary server located by the search (col.10, lines 21-28) and

transmitting, based on the at least one secondary server identified in the content map, the second

content request to that at least one secondary server in response to either the adding step or the at

least one secondary server determining step (col.10, lines 24-28, col.12, lines 37-45, col.13, lines

19-30, 52-67, col.14, lines 1-5, 16-25, 49-59). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to combine the teachings of Major, Burns,

Krantz, Doyle and Shannon because Shannon's teaching of accessing control and database

matching enables Major, Burns, Krantz and Doyle's method to match the content categories in

the request and determine whether the user is permitted to access the particular server to obtain

the requested content.

Response to Arguments

45.   Applicant's arguments with respect to claims 1-2, 4-8 and 11-29 have been considered

but are moot in view of the new ground(s) of rejection.

46.   In the remark, applicant argued (1) Major is not concerned with intelligent real-time

streaming at all. Examiner seemed to agree with this in the personal interview. (2) Burns does

not teach or suggest a method of caching streaming contents as it is being viewed by a user.

Examiner seemed to agree with this in the personal interview.

47.   Examiner traverse the argument:

As to point (1), examiner agreed that Major's teaching of streaming is not intelligent real-time

streaming. However, Burns taught to perform intelligent real-time streaming of video and audio

contents. In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, the amendment of

intelligent streaming to the specification and the claims raise new matter since prior to the

amendment, the specification does not teach to transfer data in a steady and continuous

intelligent streaming.

As to point (2), Examiner agreed that Burns does not teach a method of caching streaming

contents as it is being viewed by a user. However, the amendment fails to define caching

streaming contents as it is being viewed by a user. In response to applicant's argument that the

references fail to show certain features of applicant's invention, it is noted that the features upon

which applicant relies (i.e., caching streaming contents *as it is being viewed by a user*) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

48.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Marks et al, US 6,463,447.

Bhagavath et al, US 6,505,169.

Saunders, US 6,697,850.

Moore et al, US 6,618,752.

49.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

50.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The

examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
June 16, 2006

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER